

REPORT TO PLANNING COMMISSION

SUBJECT

..Title

Public Hearing: Action on Residential Townhouse Project at 1530-1540 Pomeroy Avenue

..Report

BACKGROUND

The applicants are requesting a rezoning of two parcels totaling 0.48 acres from Low Density Multiple Dwelling (R3-18D) and Agriculture (A) to Planned Development (PD) and approval of a Tentative Subdivision Map to allow the development of an 8-unit two-story residential townhouse project (PLN2016-12053 and PLN2016-12068).

The project site is on the west side of Pomeroy Avenue between El Camino Real and Granada Avenue. The site is currently occupied by two single-family homes. Residential land uses are located south of the project site and across Pomeroy Avenue to the east. The project site is adjacent to commercial uses to the north.

DISCUSSION

The project was reviewed for consistency with the City's General Plan, Zoning Ordinance, and community outreach policies.

General Plan Conformance:

The General Plan land use designation of the northern section of the site (1540 Pomeroy) is Community Mixed Use (CMU) and is located within the El Camino Real Focus Area. The designation of the southern section (1530 Pomeroy) of the site is Very Low Density Residential.

The City is currently in the process of drafting a Specific Plan for the El Camino Real Focus Area. At the April 18, 2017, City Council meeting, the Council allowed pending rezoning projects inside of the El Camino Real Focus Area, including the 1530-1540 Pomeroy Avenue project, to move forward during the Specific Plan visioning/community outreach process, as long as the projects did not require a General Plan Amendment.

The CMU classification is a combination of the Community Commercial and Medium Density Residential designations and is intended to encourage a mix of residential and commercial uses along major streets. Parking should be behind buildings, below-grade or in structures, to ensure that active uses face public streets. Retail, commercial and neighborhood office uses, at a minimum FAR of 0.10, are required in conjunction with residential development between 20 and 36 units per gross acre.

The Very Low Density Residential classification is intended for residential densities of up to ten units per gross acre. Development is typically single-family in scale and character, with a prevailing building type of single-family detached dwelling units. Development in this classification maintains a feeling of suburban living with setbacks

between structures, parking, large landscaped yards and tree lined streets.

The project site has a total site area of 21,000 square feet (~0.48 acre). The northern section (1540 Pomeroy), with a Community Mixed Use General Plan designation and 10,920 square feet lot area, requires a minimum of 5 and up to 9 dwelling units under the General Plan classification. The southern section (1530 Pomeroy), with a Very Low Density Residential General Plan designation and 10,080 square feet lot area, requires a minimum of 1 and a maximum of 2 dwelling units. Therefore, the project site allows a combined density of up to 11 dwelling units with a minimum of 6 units required to redevelop the site. The proposed 8 townhomes are within the combined allowable residential density for the site and would represent the lower end of the density range allowed for the site while respecting the existing development patterns in the neighborhood.

For 1540 Pomeroy Avenue, the CMU General Plan designation requires the inclusion of retail uses, at a floor-area ratio of 0.10. The proposed project does not include retail. General Plan Mixed Use Land Use Policy 5.3.4-P17 would allow Community Mixed Use properties under one-half acre to be developed entirely residential without any retail:

- 5.3.4 - P17: For Neighborhood and Community Mixed Use properties under one-half acre, allow mixed-use development of entirely residential uses or development of entirely commercial or community serving office uses in order to facilitate development on smaller lots, consistent with the required density and intensity ranges as well as other applicable General Plan policies.

Given that 1540 Pomeroy is only 0.25 acres, implementing this General Plan Policy would allow the project to not include retail.

The project is also consistent with the following General Plan policies:

General Land Use Policies

- 5.3.1 - P3: Support high quality design consistent with adopted design guidelines and the City's architectural review process. The project is consistent with this policy as it proposes high quality design in a two story format consistent with the allowable form and heights allowed for single family homes within the vicinity of the project site; and the project architecture would be reviewed by Architectural Committee after City Council approval.
- 5.3.1 - P4: Encourage new development that meets the minimum intensities and densities specified in the land use classifications or as defined through applicable Focus Area, Neighborhood Compatibility or Historic Preservation policies of the General Plan. The project is consistent with this policy in that the proposed 8 townhomes meets the density range allowed under the combined density of between 6 and 11 dwelling units for the project site.
- 5.3.1 - P6: Allow planned development only if it is consistent with General Plan

land use density and intensity requirements and provides a means to address unique situations to achieve high community design standards that would otherwise not be feasible. The project is consistent with this policy in that the allowance for a planned development zoning is consistent with the site's General Plan land use designation and addresses the site's unique configuration and interface with varying land uses.

- 5.3.1 - P29: Encourage design of new development to be compatible with, and sensitive to, nearby existing and planned development, consistent with other applicable General Plan policies. The project is consistent with this policy in that there are two-story apartment buildings directly opposite the project site, on the east side of Pomeroy Avenue and the project proposes two-story townhomes.
- 5.3.2 - P2: Encourage higher-density residential development in transit and mixed-use areas and in other locations throughout the City where appropriate. The project is consistent with this policy as it is providing 8 dwelling units within the El Camino Real mixed-use areas.
- 5.3.2 - P4: Encourage indoor and outdoor private and common spaces as part of all new residential developments, including clustering of units to maximize open space opportunities where appropriate. The project is consistent with this policy in that private yards would be provided for each unit in addition to the common open space with BBQ area and benches at the back of the property.

Transition Policies

- 5.5.2 - P3: Implement site design solutions, such as landscaping and increased building setbacks, to provide a buffer between non-residential and residential uses.

The project would include approximately a 10' side setback on ground floor and a 15' setback on the second floor facing to the north and south. The proposed common open space area is located at the back of the property and provides a 25' buffer to the adjacent commercial parking and single family houses to the west. The project would implement the complete street streetscape with a four foot park strip and additional landscape behind the sidewalks on Pomeroy Avenue.

Zoning Conformance:

The zoning designation of the northern half of the site (1540 Pomeroy) is Agriculture (A) and the designation of the southern half (1530 Pomeroy) of the site is Low Density Multiple Dwelling (R3-18D). The Agriculture (A) zoning is intended for the protection of existing agricultural lands, to encourage the preservation and the retention of the land in its natural state and to provide an interim zoning for lands newly annexed to the City, but it is not consistent with the Community Mixed Use General Plan designation of the parcel. The Low Density Multiple Dwelling (R3-18D) zoning designation is intended to encourage lot assembly to provide quality multi-unit housing at a low to moderate density. The proposed rezone to PD would allow residential development on the

property and implement the land use designations of the General Plan. A conventional zoning district, as set forth in the Zoning Ordinance, would not allow development consistent with or anticipated by the General Plan.

Surrounding Neighborhood:

The project site is at the northern edge of an extensive area of predominantly residential development. A two-story apartment building is located directly opposite the site, with the rest of the block to the south containing single-family homes. While single-family residential development continues along the east side of Pomeroy Avenue, after the retirement community the west side of the street is developed with a neighborhood church, Pomeroy Elementary School, and Pomeroy Preschool. South of the schools, both sides of Pomeroy Avenue are lined with multi-family residential developments.

The project site abuts to a small convenience store to the north and a See's Candies store on the other side of the convenience store. A small commercial strip mall is across the street from the project site. These commercial businesses are part of the commercial development that lines much of El Camino Real. However, a large four-story apartment complex is located opposite Buttitta Plaza, on the north side of El Camino Real.

Architecture and Site Design:

The proposed project would be articulated with pitched shed roofs with alternating orientations, such that the roof on one bay would be oriented to the north and the roof on the adjacent bay would be oriented to the south. On the front elevations, articulation would be added by having the unit entrance and enough windows facing the public street. The building façades would be further broken up by a mix of divided-light vertical, horizontal, and square windows and a mix of horizontal siding and stucco material.

The project includes 8 townhouse units in two-story buildings. Approximately 1,500 square feet of outdoor common area is located at the end of the property near guest parking. Units are approximately 1,880 square feet. Half of the units, close to the neighbors at the back of the property, would each include three bedrooms, two and half bathrooms, and two-car garages. The other half of the units would include four bedrooms, two and half bathrooms, and two-car garages. The architecture of the proposed buildings incorporates horizontal siding, stucco, and composition shingle roofing.

The building massing and two-story design is consistent in scale with adjacent commercial and multifamily residential development. The project proposes a complete street treatment along the frontage consisting of a six foot sidewalk and a four foot wide tree lined planter strip adjacent to the curb.

Circulation and Parking:

Access to the site would be via a single 20-foot-wide driveway at Pomeroy Avenue. The drive aisle would extend to the rear of the site, providing access to the private garages lining the driveway and to the three guest parking spots at the rear of the site. Two-car

garages are provided for each of the 8 units. The proposed conditions of approval will require that the garages be accessible for two-car covered parking at all times and that they be wired to allow for electrical vehicle charging. Pursuant to the PD Chapter of the Zoning Code, at least ten percent of the total required parking spaces would be provided to visitors. Based on the required 16 garage spaces, two guest spaces are required. As noted above, a total of three guest parking spaces are provided on the site.

Community Input:

A project community meeting was held on November 28, 2017 at the Music Room of the City of Santa Clara Community Center. Four members of the community attended the meeting and expressed general interest in the project and concerns about the proposed project density, existing parking and traffic issues in the neighborhood that may be exacerbated by the project. In addition, a resident of the single family house adjacent to the project site to the southwest expressed specific concerns about the proposed project massing and setback and potential privacy impacts. The neighbor was also concerned about the potential harm, especially during construction, to an existing avocado tree located close to the proposed project.

As a result of the feedback garnered at the community meeting, the applicant redesigned portions of the project to address privacy impact concerns. The project applicant, in response to privacy concerns expressed by the neighbor, has modified the project to reduce the number of bedrooms in the four townhomes closest to the neighbor's property, which abuts the western edge of the project site. The number of bedrooms was reduced from four to three in each of these units, which allowed the removal of a number of windows facing both the rear of the site and the backyards (facing north and south), along with a reduction in the size of other windows, all of which should enhance the privacy of the adjoining neighbors.

All of the trees on and adjacent to the project site were evaluated by a certified arborist so as to enable the City to determine the tree protection and replacement requirements for the proposed project. None of the trees is in good condition; two of them were rated as Fair condition and the rest were rated as Poor condition. The project would plant 24-inch box replacement trees at a 2:1 replacement ratio for the two existing trees in fair condition. The existing neighbor's avocado tree is in fair condition, with a height of 40 feet and it encroaches into the project property. Construction of the foundation for the proposed townhomes could damage the roots of this tree and adversely affect its health and vitality. The Mitigated Negative Declaration defined Mitigation Measures to minimize these impacts.

Based on the neighbor's concern regarding the avocado tree in addition to the Mitigation Measure BR-3 during project construction, staff added a condition of project approval that mandates placing a deed restriction on Unit 5 that requires the owner of Unit 5, and any future owners, to protect the tree during any landscaping or other work in the backyard, and to accept liability for any damage to the tree caused by the owner's actions.

Conclusion:

Approval of the project would allow a project that is consistent with the vision of the General Plan and provides new for-sale housing opportunities with private and common open space. The requested PD zoning is required to implement the General Plan designation and policies applicable to the project site that support new residential land uses.

ENVIRONMENTAL REVIEW

A Mitigated Negative Declaration (MND) was prepared and a Notice of Availability was circulated for a 30-day period from December 6, 2017 through January 10, 2018 in accordance with California Environmental Quality Act (CEQA) requirements. The Community Development Department received two comment letters from two community members identifying concerns with traffic, potential hazards and soil contamination, aesthetics, land use and planning. Responses to the comments are attached to this report.

The MND examined environmental impacts associated with the proposed project development and identified potential air quality, biological, cultural resources, and hazardous materials impacts. The MND also identified mitigation measures that would reduce all potential impacts to less than significant levels. A detailed discussion of the potential impacts and mitigation measures to be applied to the project are specified in the MND and would be implemented through project conditions of approval and the Mitigation Monitoring and Reporting Program for the proposed project.

FISCAL IMPACT

There is no impact to the City for processing the requested application other than administrative staff time.

COORDINATION

This report has been coordinated with the City Attorney's Office.

PUBLIC CONTACT

A notice of public hearing of this item was posted in three conspicuous locations within 500 feet of the project site and mailed to property owners within 500 feet of the project site. A notice was published in the Santa Clara Weekly on August 8, 2018. Planning staff has not received any new comments. A project community meeting was held on November 28, 2017 at the Music Room of the City of Santa Clara Community Center. As a result of the feedback garnered at the meeting, the applicant redesigned portions of the project to address perceived privacy impact concerns.

Public contact was made by posting the Planning Commission agenda on the City's official-notice bulletin board outside City Hall Council Chambers. A complete agenda packet is available on the City's website and in the City Clerk's Office at least 72 hours prior to a Regular Meeting and 24 hours prior to a Special Meeting. A hard copy of any agenda report may be requested by contacting the City Clerk's Office at (408) 615-2220, email clerk@santaclaraca.gov or at the public information desk at any City of

Santa Clara public library.

ALTERNATIVES

1. Adopt a resolution recommending to the City Council adoption of the Mitigated Negative Declaration and the Mitigation Monitoring and Reporting Program for the 1530 – 1540 Pomeroy Avenue Project;
2. Adopt a resolution recommending to the City Council approval of the rezoning from Agriculture (A) and Low Density Multiple Dwelling (R3-18D) to Planned Development (PD);
3. Adopt a resolution recommending to the City Council approval of the Tentative Subdivision Map to allow development of 8 townhouse units.
4. Adopt a resolution recommending to the City Council denial of the rezoning from Agriculture (A) and Low Density Multiple Dwelling (R3-18D) to Planned Development (PD).
5. Adopt a resolution recommending to the City Council denial of the Tentative Subdivision Map to allow development of 8 townhouse units.

RECOMMENDATION

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Alternatives 1, 2, and 3:

1. Adopt a resolution recommending to the City Council adoption of the Mitigated Negative Declaration and adoption of the Mitigation Monitoring and Reporting Program for the 1530 – 1540 Pomeroy Avenue Project;
2. Adopt a resolution recommending to the City Council approval of the rezoning from Agriculture (A) and Low Density Multiple Dwelling (R3-18D) to Planned Development (PD);
3. Adopt a resolution recommending to the City Council approval of the Tentative Subdivision Map to allow development of 8 townhouse units.

..Staff

Reviewed by: Alexander Abbe, Assistant City Attorney

Reviewed by: Andrew Crabtree, Director of Community Development

Approved by: Deanna J. Santana, City Manager

ATTACHMENTS

1. Reserved for Planning Commission Report
2. Mitigated Negative Declaration
3. Responses to MND Comments
4. Project Data and Maps
5. Resolution Recommending Adoption of the Mitigated Negative Declaration and Mitigation Monitoring and Reporting Program
6. Resolution Recommending Approval of the Rezoning
7. Resolution Recommending Approval of the Tentative Subdivision Map
8. Conditions of Rezoning Approval
9. Conditions of Tentative Subdivision Map

10. Application - Letter of Justification

11. Development Plans